

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

UNITED STATES OF AMERICA
Plaintiff,

v.

TI LEE GOOBER, JR.
Defendant.

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Case No.: 3:20-CR-47 JD

TI LEE GOOBER JR.'S SENTENCING MEMORANDUM

I. Introduction

Ti Lee Goober, through his attorney, Scott J. Frankel, submits the following Sentencing Memorandum in support of his request for a sentence of 30 months in the Bureau of Prisons.

On August 21, 2020, Ti Lee Goober pled guilty to a one-count Indictment. Count 1 charged Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1), 18 U.S.C. § 924(a)(2). Ti Lee Goober also expressly waived his right to appeal his sentence, leaving the determination of his sentence completely within the judgment of this Court.

II. Consideration of the factors listed in 18 U.S.C. 3553(a) supports a sentence of 30 months in the Federal Bureau of Prisons.

A. Background

The Sentencing Guidelines provide only a rough approximation of the appropriate sentence. The Court may disregard the sentence recommended by the guidelines, and tailor a sentence that is appropriate for the particular Ti Lee. *Rita v. United States*, 551 U.S. 338, 127 S.Ct. 2456, 2463-2465 (2007), *Kimbrough v. United States*, 552 U.S. 85, 128 S.Ct. 558 (2007). While a sentencing court must consider the Guidelines, the court is permitted to tailor the sentence in light of other statutory

concerns as well. See *Kimbrough v. United States*, 552 U.S. 85, 101, 128 S.Ct. 558, 169 L.Ed.2d 481 (2007).

Although the “Guidelines should be the starting point and the initial benchmark,” district courts may impose sentences within statutory limits based on appropriate consideration of all of the factors listed in § 3553(a), subject to appellate review for “reasonableness.” *Gall v. United States*, 552 U.S. 38 at 49–51, 128 S.Ct. 586 (2007). In *Pepper v. United States*, the Supreme Court further wrote, “It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.” *Pepper v. United States*, 562 U.S. 476, 487–88, 131 S. Ct. 1229, 1239–40, 179 L. Ed. 2d 196 (2011).

B. Specific § 3553(a) factors support a total sentence of 30 months in the Federal Bureau of Prisons.

1. Nature and circumstances of offense.

On February 7, 2020, Ti Lee Goober was in a car that was pulled over by law enforcement. Ti Lee got out of the rear of the car and ran for less than 100 feet when he was apprehended. The other occupants of the car were two women who were sitting in the front, and one man in the back. All were detained while the police searched the car. Police found a loaded firearm on the floorboard in the area where Mr. Goober had been sitting and the other occupants in the car denied possession of the weapon.

2. History and characteristics of Ti Lee Goober.

Ti Lee Goober's eight criminal history points place him in criminal history category IV.

Ti's parents never married and had no other children together. Ti was raised primarily in the home of his paternal grandmother. Ti's father has eight other children and defendant's mother has one other son.

Ti was a very good athlete and was involved in sports from a young age. He played POP Warner football and his father and uncle both coached him. He also played basketball, boxed, and wrestled. Ti was on his middle school sports team but because he did not take school seriously and was a class clown, he was expelled from school and could no longer play sports. Ti was so good at football that college scouts were looking at him. Ti's aunt is a professional boxer.

Ti and his girlfriend of one year, Jabaria Woods, just had their first daughter, Blessing Woods on October 8, 2020. Ti has no other children. Ti's only close friend Jeremiah Parker was murdered in July 2020, which has had a traumatic affect on Ti.

Ti would like to get his GED and attend college.

3. The need for the sentence to reflect the seriousness of the offense.

Ti Lee Goober is only 20 years old. A sentence of 30 months is a very significant length of time for Ti to serve in custody. A sentence of 30 months adequately reflects the seriousness of the offense.

4. To afford adequate deterrence.

General deterrence requires a punishment sufficient to deter others in society from committing the offense. Specific deterrence requires a punishment sufficient to deter Ti Lee Goober from committing the offense. A discussion of general deterrence would require more space than is typically devoted to a sentencing memorandum. Indiana is a state that has actively promoted a liberal and open approach to gun possession, making the purchase and possession of a weapon an easier process than obtaining a driver's license. In light of the clear liberal policy toward gun ownership in the State of Indiana, the general deterrence afforded by a sentence imposed against Ti Lee Goober is unlikely to have any impact on society in general, reducing any sentence to an exercise in retribution only. In this sense, a punishment of 30 months is sufficient to provide a retributive and punitive effect on Ti Lee Goober.

Regarding specific deterrence, Ti Lee is only 20 years old. A 30 month sentence is a very lengthy period of time for such a young man. A 30 month sentence is sufficient to deter Ti Lee from again committing the offense of unlawful possession of a weapon.

5. To protect the public from further crimes.

A sentence of 30 months is sufficient to protect the public from further crimes.

6. To provide Ti with needed education or vocational training or medical care.

Ti Lee Goober is only 20 years old. It is hoped that any sentence imposed will have a rehabilitative effect on him. Ti could benefit from further education and vocational training. Ti was once a talented athlete and the skills that helped him to succeed in sports can be further developed to help Ti to have a productive a law-abiding future. In addition, Ti is grieving the sudden and violent death of someone very close to

him, Jeremiah Parker. *See*

https://www.southbendtribune.com/news/publicsafety/family-of-south-bend-murder-victim-pleads-for-communitys-help-in-finding-accused-killer/article_8ed8238a-0cba-11eb-8a7d-afbcca8f83a.html. Ti is still coping with the loss of Jerimiah and hopes to obtain mental health counseling as part of his sentence.

CONCLUSION

Therefore, for all the foregoing reasons, Ti Lee Goober respectfully requests a total sentence of 30 months in the Bureau of Prisons.

Dated: November 24, 2020

Respectfully submitted,

Northern District of Indiana
Federal Community Defenders, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2020 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all parties of record.

/s/ Allyson A. King, Paralegal
Northern District of Indiana
Federal Community Defenders, Inc.